

BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re: Dominion Energy Brayton Point, L.L.C.
(Formerly USGen New England, Inc.)
Brayton Point Station

NPDES Appeal No. 07-01

NPDES Permit No. MA 0003654

ORDER

On January 3, 2007, Dominion Energy Brayton Point, L.L.C. ("Dominion") petitioned the Environmental Appeals Board ("Board") for review of the November 30, 2006 Determination on Remand issued by Region 1 of the Environmental Protection Agency ("Region 1"). In connection with this matter, five entities – all of whom were granted amici status in the initial appeal to the Board¹ – have filed motions seeking leave to file amicus briefs in support of Region 1's Determination on Remand. The Board accepts these filings from: the Kickemuit River Council, the Massachusetts Department of Environmental Protection, the State of Rhode Island, Save the Bay – Narragansett Bay, and the Taunton River Watershed Alliance, Inc. At this point, the Board does not anticipate accepting any additional non-party briefing on this matter.

Also before the Board are two additional filings by the State of Rhode Island: a Motion to Expedite Review, and an Opposition to Dominion's Motion to Supplement the Record. The

¹ This appeal arises from an NPDES permit (No. 0003654) reissued by Region 1 for Brayton Point Station to Dominion (formerly USGen New England, Inc), on October 6, 2003. Dominion petitioned the Board for review of that permit which ultimately resulted in a Remand Order for limited and specified purposes. See *In re Dominion Energy Brayton Point, LLC*, NPDES Appeal No. 03-12, slip op. (EAB Feb. 1, 2006), 12 E.A.D. _____. The petition for review currently before the Board is an appeal of Region 1's determination in response to that remand.

Opposition to Dominion's Motion to Supplement the Record will be addressed in a separate order at a later date. With respect to Rhode Island's Motion to Expedite Review, although the Board is taking no formal action on this motion, the Board appreciates and shares the desire to resolve the issues before it in an expeditious manner, consistent with the need to provide a reasoned evaluation of the petition in accordance with the Board's obligations under 40 C.F.R. Part 124.

So ordered.

Dated: _____

3/27/07

ENVIRONMENTAL APPEALS BOARD



Edward E. Reich
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order, NPDES Appeal No. 07-01, were sent to the following persons in the manner indicated.

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Dated: MAR 27 2007


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